

Readopt with amendments Env-A 1801.01, effective 4-1-97 (Document #6482-B), to read as follows:

CHAPTER Env-A 1800 ASBESTOS MANAGEMENT AND CONTROL

Statutory Authority: RSA 141-E:4,II

PART Env-A 1801 PURPOSE ***AND SCOPE***

Env-A 1801.01 Purpose. This chapter is adopted for the purpose of regulating asbestos abatement activities. It is intended, in conjunction with N.H. Administrative Rules Chapter He-P 5000, ~~adopted by the Department of Health and Human Services~~, to protect the health of the general public by ensuring that asbestos is managed responsibly.

Readopt with amendments and renumber Env-A 1802.01 and 1802.02, effective 4-1-97 (Document #6482-B), as Env-A 1801.02 and 1801.03 to read as follows:

Env-A 1801.02 Scope. This chapter shall apply to any person who owns or operates any facility with ***regulated asbestos-containing material*** (RACM) on the premises, and any person involved in asbestos abatement activities, including analytical laboratories, consultants and asbestos abatement contractors.

Env-A 1801.03 Homeowners.

(a) The owner of a private, single-family residence occupied by the owner who performs asbestos abatement activities on the residence shall not be subject to Env-A 1800, except as noted in (b) below, provided the owner personally performs the work and the work is not done within 6 months of selling the home.

(b) The owner shall comply with Env-A 1805.06 and Env-A 1805.07(a) ***and (b)***.

Readopt with amendments and renumber Env-A 101.16, 101.31, 101.39 - 101.41, 101.59, 101.60, 101.69, 101.80, 101.103, 101.111, 101.112, 101.114, 101.141, 101.147, 101.164 – 101.166, 101.173, 101.226, 101.228, 101.229, 101.240, 101.244, 101.245, and 101.274, effective 4-1-97 (Document #6482-A), as Env-A 1802.01(a) – (i), (k) – (n), (p) – (u), and (w) - (ac), and renumber the remaining sections of Env-A 101 so that, for example, Env-A 101.17 becomes Env-A 101.16 and Env-A 101.31 becomes Env-A 101.29 and so forth, and adopt Env-A 1802.01 intro., (j), (o), and (v), so that Env-A 1802.01 reads as follows:

PART Env-A 1802 ~~SCOPE~~ ***DEFINITIONS***

Env-A 1802.01 Definitions. For the purpose of this chapter, the following definitions shall apply:

(a) ~~Env-A 101.16~~ "Aggressive sampling" means air sampling which takes place while air is being physically agitated, which, upon analysis, is likely to give the highest airborne concentration of asbestos;

(b) ~~Env-A 101.31~~ "Analytical service" means any firm or individual who analyzes bulk or air samples in order to determine asbestos content, asbestos fiber counting or total fiber counting;

(c) ~~Env-A 101.39~~ "Asbestos" means "asbestos" as defined in RSA 141-E:2, I, namely "amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite;"

(d) ~~Env-A 101.40~~ "Asbestos abatement" means "asbestos abatement" as defined in RSA 141-E:2,II;

(e) ~~Env A-101.41~~ "Asbestos-containing material" (ACM) means any material that contains any type of asbestos in an amount greater than one percent by area, either alone or mixed with other fibrous or non-fibrous materials;

(f) ~~Env A-101.59~~ "Category I nonfriable ACM" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy;

(g) ~~Env A-101.60~~ "Category II nonfriable ACM" means any material, excluding category I nonfriable ACM, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure;

(h) ~~Env A-101.69~~ "Clean room" means an uncontaminated area or room which is part of the worker decontamination enclosure system and includes storage of workers' street clothes and clean protective equipment;

(i) ~~Env A-101.80~~ "Competent person" means one capable of identifying asbestos hazards in a commercial, private, or residential structure, and who has completed, at a minimum, a training course for asbestos inspectors meeting the requirements of 40 CFR 763, Subpart E, Appendix C, section I:B.3;

(j) ***"Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operation or the intentional burning of any facility;***

(k) ~~Env A-101.103~~ "Emergency asbestos ***abatement*** project" means any asbestos abatement ***activity*** project requiring immediate action due to public health reasons or safety reasons or economic hardship, which was not planned but results from a sudden, unexpected event. The term includes ***activities*** projects necessitated by non-routine failures of asbestos-containing equipment, the repair of which would require asbestos abatement;

(l) ~~Env A-101.111~~ "Encapsulant" means a material that is applied to an ACM in order to prevent the ACM or any of its components from being exposed to ambient conditions;

(m) ~~Env A-101.112~~ "Encapsulation" means the application of an encapsulant to ACM to control the release of asbestos fibers into the air, either by using bridging encapsulants, which create a membrane over the surface of the ACM, or by using penetrating encapsulants, which penetrate the ACM and bind its components together;

(n) ~~Env A-101.114~~ "Equipment room" means a contaminated area or room which is part of the worker decontamination enclosure system and which includes the storage of contaminated clothing and equipment;

(o) ***"Facility" means any institutional, commercial, public, or private building or structure, work place or rental dwelling;***

(p) ~~Env A-101.141~~ "Glovebag" means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials;

(q) ~~Env A-101.147~~ "HEPA filtration" means high efficiency particulate air filtration capable of filtering all particles larger than 0.3 micron with 99.97 percent efficiency;

(r) ~~Env A-101.164~~ "Major asbestos abatement project - Class N" means any asbestos abatement project involving 260 linear feet, 160 square feet, or 35 cubic feet, or more of RACM;

(s) ~~Env A-101.165~~ "Major asbestos abatement project - Class S demolition" means any asbestos abatement project involving less than 260 linear feet, 160 square feet, or 35 cubic feet of RACM, and which occurs within the context of a demolition as defined by this part;

(t) ~~Env A-101.166~~ "Major asbestos abatement project - Class S renovation" means any asbestos abatement project involving less than 260 linear feet, 160 square feet, or 35 cubic feet of RACM, but more than 10 linear feet, 25 square feet or 3 cubic feet, and which occurs within the context of a renovation as defined by this part;

(u) ~~Env A-101.173~~ "Minor asbestos abatement project" means any asbestos abatement renovation activity which encompasses not more than 10 linear feet, 25 square feet, or 3 cubic feet of RACM. The term does not include larger projects that are divided into smaller segments;

(v) *"Owner or operator" means "owner or operator of a demolition or renovation activity" as defined in 40 CFR 61.141, namely "any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both;"*

(w) ~~Env A-101.226~~ "Regulated Asbestos-Containing Material" (RACM) means:

(1a) Friable ACM;

(2b) Category I nonfriable ACM that has become friable;

(3e) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, sawing, or abrading; or

(4d) Category II nonfriable ACM that will likely become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations;

(x) ~~Env A-101.228~~ "Removal" means the stripping of any **RACM** from surfaces or components within a facility;

(y) ~~Env A-101.229~~ "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal ~~of~~ **of** RACM from any facility;

(z) ~~Env A-101.240~~ "Sawing" means the act of penetrating with a sharp, toothed blade, either rotating or reciprocating, which results in the creation of particles or dust;

(aa) ~~Env A-101.244~~ "Sheets" or "sheeting" means any waterproof material which can be used to make air-tight barriers;

(ab) ~~Env A-101.245~~ "Shower room" means a room between the clean room and the equipment room in the worker decontamination enclosure with running water that is suitably arranged for complete showering during decontamination; **and**

(ac) ~~Env A-101.274~~ "Tape" means a high quality duct tape or similar adhesive material which can resist both moisture and wear.

Readopt with amendments Env-A 1803.01 through Env-A 1803.07, effective 4-1-97 (Document #6482-B), to read as follows:

PART Env-A 1803 NOTIFICATION ***AND FEES***

Env-A 1803.01 Major Asbestos Abatement Projects. Each facility ***owner or*** operator shall provide written notification to the ~~*department division*~~, the EPA Regional office, and the city/town health officer, as applicable for the worksite location, in accordance with this part at least 10 working days before asbestos abatement activity begins at any major asbestos abatement project.

Env-A 1803.02 Minor Asbestos Abatement Projects. Notification to the ~~*department division*~~ and the EPA shall not be required for any minor asbestos abatement projects.

Env-A 1803.03 Demolitions. Each facility ***owner or*** operator shall provide written notification to the ~~*department division*~~, the EPA Regional office, and to the city/town health officer, as applicable to the worksite location, in accordance with Env-A 1803.06 at least 10 working days before any demolition activity begins. This notification shall be required regardless of the amount of ACM, if any, that is contained in the facility.

Env-A 1803.04 Annual Notification.

(a) In the event that a facility undergoes frequent Class S major asbestos abatement, the ***owner or*** operator may file an annual notification to cover the period from January 1 of a calendar year to December 31 of the same year.

(b) Such annual notification shall be made at least 10 working days prior to the start of the new calendar year.

(c) Each ~~other~~ individual major asbestos abatement project – ***Class N*** occurring at the facility shall require individual notification as described in Env-A 1803.01.

Env-A 1803.05 Emergency Asbestos Abatement Projects. For emergency asbestos abatement projects, the ***owner or*** operator shall:

(a) Notify the ~~*department division*~~ as early as possible prior to abatement or within 24 hours of the beginning of every asbestos abatement activity with information required under this part.

(b) Provide written notification in accordance with this part to the ~~*department division*~~ no later than 48 hours after the beginning of an emergency asbestos abatement.

Env-A 1803.06 Information Required; Notification Violations.

(a) ***In any notification required by this part, The owner or*** operator shall:

(1) ~~specify in the notification all items listed~~ ***Provide the information required by*** pursuant to 40 CFR 61.145(b)(4); ***and***

(b2) ~~The operator shall present the~~ ***that*** information required under this part in the format ***specified in*** pursuant to 40 CFR 61.145(b)(5).

(be) Any additional information not specifically required by this part, but where necessary to

completely describe the scope of the project, shall be provided on separate paper.

(c~~d~~) Hours of operations shall be included on the notification document.

(e) ~~Facilities using~~ ***Any owner or operator filing an*** annual notifications shall provide the ***department division*** with quarterly reports of activities performed under such annual notification, which shall include dates of removal, amounts and kinds of ***RACM*** removed, and disposal site used.

Env-A 1803.07 Revised Notification Asbestos abatement activities occurring outside the starting and completion dates shall be a violation of this notification requirement unless a revised notification is received by the ***department division*** prior to the revised or original start date, whichever is earlier, or prior to the original completion date in the event of an extension or overrun.

Readopt with amendments and renumber Env-A 1804.06 and Env-A 1803.08, effective 4-1-97 (Document #6482-B), as Env-A 1803.08 and Env-A 1803.09 to read as follows:

Env-A ~~1803.08~~ ~~1804.06~~ Disposal Only.

(a) Each person ***hired by an owner or operator*** ~~contracting for services solely for the disposal to transport and dispose of asbestos ACM shall provide prior notice to~~ ***written notification to the department division with*** ~~of such transport and disposal. the following information:~~

(b) ***Prior to transport, the person subject to (a), above, shall provide the following information to the department:***

(1a) ***The person's*** ~~Contractor's~~ name and address;

(2b) ***The owner or Operator's*** name and address;

(3e) ***The Address*** where the ACM is located;

(d) ~~Date when the contractor was first contacted regarding the service;~~

(4e) ***The Date*** when ACM will be picked up;

(5f) ***The Name*** and address of the disposal site; and

(6g) ***The Quantities*** of ACM to be disposed.

(c) ***Within 30 days after delivery to the disposal site, the person subject to (a), above, shall provide a copy of the waste shipment record to the department.***

Env-A 1803.09~~8~~ Fees.

(a) ~~Each A~~ written notification to the ***department division*** shall be accompanied by the fee specified in (c), below, as applicable to the notification being submitted.

(b) Payment shall be in the form of a check or money order made payable to "Treasurer, State of New Hampshire".

(c) Notification fees shall be as follows:

- (1) For a notification of a major asbestos abatement project - class N, \$200;
- (2) For a notification of a major asbestos abatement project - class S, \$25;
- (3) For an annual notification pursuant to Env-A 1803.04, \$1500; and
- (4) For a revised notification pursuant to Env-A 1803.07, \$10.

Readopt with amendments Env-A 1804.01, effective 4-1-97 (Document #6482-B), to read as follows:

PART Env-A 1804 INSPECTION ***AND RECORDKEEPING*** PROVISIONS

Env-A 1804.01 Inspections. Prior to undertaking any demolition or renovation as defined by this chapter, each facility ***owner or*** operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of ACM.

Repeal Env-A 1804.02, effective 4-1-97 (Document #6482-B), as follows:

~~Env-A 1804.02 Right of Entry. Pursuant to RSA 141 E:13, the commissioner shall, when deemed necessary to assure compliance with RSA 141 E:9 or any rule in chapter Env-A 1800, upon presenting appropriate credentials and at any reasonable time:~~

- ~~(a) Enter any asbestos abatement worksite;~~
- ~~(b) Inspect and obtain samples from the workplace and the environment for the purpose of ensuring compliance with this chapter; and~~
- ~~(c) Request, inspect, and record information, test results or other documents relating to the asbestos abatement activity.~~

Readopt with amendments and renumber Env-A 1804.03 through Env-A 1804.05, effective 4-1-97 (Document #6482-B), as Env-A 1804.02 through Env-A 1804.04 to read as follows:

Env-A 1804.02~~3~~ Documents To Be Retained On-site. Each facility ***owner or*** operator subject to the requirements of this part shall retain the following documents on-site for the duration of the asbestos abatement project:

- (a) A current copy of these rules;
- (b) Copies of the decontamination procedures used for the decontamination enclosure system required by Env-A 1805.04~~5~~ or any other procedures which have been established to prevent contamination of areas outside the work area;
- (c) Copies of procedures to be followed during medical or fire emergencies, including phone numbers of the nearest emergency facilities;
- (d) Copies of all licenses, certificates, or other proof of training held by all supervisors and workers engaged in the asbestos abatement project;
- (e) Records of all project-related air sampling results; ***and***

(f) A copy of any written notification concerning the asbestos abatement project submitted to the department pursuant to Env-A 1803.

Env-A ~~1804.04~~ ***1804.03*** Retention of Records. The ~~facility~~ ***owner or*** operator shall make the records described in Env-A 1804.045 available to the ~~department division~~ upon request. Records shall not be destroyed unless they are more than 30 years old, dated from the completion of the asbestos abatement project.

Env-A 1804.045 Required Records.

(a) Each ~~facility~~ ***owner or*** operator subject to the requirements of this part shall record and maintain the following information for each project:

- (1) The name, title, address, and social security number of each supervisor and worker participating in the project;
- (2) The address of the project;
- (3) The work plan for the project;
- (4) The estimated amount of ***RACM*** involved in the project;
- (5) The scheduled and actual starting and completion dates and, if an actual date differs from the date originally scheduled, a statement of reasons for the difference(s);
- (6) Documentation of compliance with all applicable requirements of this chapter;
- (7) Copies of all asbestos-related correspondence with the ~~department division~~ and other state and federal agencies concerning the project, including but not limited to building or demolition permits, notices of violation, or other documents relating to permits;
- (8) The name and address of the asbestos disposal facility to which the ***RACM*** was taken;
- (9) The methodology and results of all air sampling conducted during the abatement process, the name and address of any consultant hired to perform such sampling, and the name and address of any analytical service employed to analyze such samples; and
- (10) Descriptions of worksite accidents and unplanned or planned exposures to asbestos.

Readopt with amendments Env-A 1805 through Env-A 1807, effective 4-1-97 (Document #6482-B), to read as follows:

PART Env-A 1805 WORK PRACTICE REQUIREMENTS

Env-A 1805.01 Requirements for Major Asbestos Abatement Projects. Each ***owner or*** operator of a facility at which major asbestos abatement activity is or may be undertaken shall ensure compliance with this part.

Env-A 1805.02 Asbestos Abatement Project Personnel. ***The contractor(s) and P***personnel involved in ~~any~~ major asbestos abatement projects shall be licensed and certified, ***respectively***, in accordance with ~~N.H.~~

~~Administrative Rule~~ He-P 5000.

Env-A 1805.03 Site Preparation. Prior to the start of the abatement, the ***owner or*** operator shall ensure the following:

(a) ~~Operators shall p~~Post telephone numbers of the nearest emergency facilities within ~~three~~ ***3*** feet of the nearest telephone;

(b) ~~Contaminated areas shall be i~~Isolated ***contaminated areas*** from uncontaminated areas ~~by~~ ***with*** air-tight barriers; ~~over~~ ***all*** openings, between the work area and uncontaminated areas, including but not limited to windows, doorways, elevator openings, corridor entrances, ventilation openings, drains, ducts, grills, grates, diffusers and skylights, but excluding the decontamination enclosure system doorways, ~~shall be sealed air tight with~~ ***using*** a minimum of 6 mil sheeting;

(c) ~~Warning signs shall be p~~Posted ***warning signs*** at all entrances to the work area;

(d) ~~All movable objects shall be r~~Removed ***all movable objects*** from the work area;

(e) ***Clean or dispose of as asbestos waste all contaminated items that are removed from the work area;*** ~~Contaminated items shall be cleaned if the item is to be salvaged or reused. Otherwise the item shall be properly disposed of as asbestos waste.~~

(f) ***Clean*** ~~All~~ non-movable objects in the work area ~~shall be cleaned~~, then covered with a minimum 4 mil sheeting secured into place;

(g) ~~Sheeting shall be i~~Installed ***sheeting*** as follows:

(1) All uncontaminated floors, walls, and ceiling surfaces in the work areas shall be completely covered with sheeting, sized and installed so as to minimize seams;

(2) No sheeting seams shall be located at any floor/wall or ceiling/wall corners;

(3) Floor sheeting shall consist of 2 layers of 6 mil sheeting, extending ***ing*** at least 12 inches up each wall;

(4) Wall sheeting shall consist of one layer of 4 mil sheeting, ~~and shall~~ ***ing*** at least 12 inches across the floor; ~~and~~

(5) Ceiling sheeting shall consist of one layer of 4 mil sheeting, and shall extend at least 12 inches down each wall; ***and***

(6) ***All intake and exhaust openings and any seams in HVAC system components shall be sealed with sheeting of at least 6 mil or tape;***

(h) ~~f) All HVAC equipment in or passing through the work area shall be t~~Turned off ***all HVAC systems in or passing through the work area***, and ***take*** measures ~~shall be taken~~ to prevent accidental start-ups; ***and*** ~~All intake and exhaust openings and any seams in system components shall be sealed with sheeting of at least 6 mil or tape.~~

(i) ~~All system filters shall be r~~Replaced ***all HVAC system filters*** at the completion of the abatement and ***dispose of*** the old filters ~~shall be disposed of as asbestos waste pursuant to Env-A 1805.07.~~

Env-A 1805.04 Work Area Ventilation.

(a) The work area shall be served by a sufficient number of negative pressure ventilation units with HEPA filtration to provide one containment area air change every 15 minutes.

(b) The unit(s) shall be operated to maintain a static pressure differential of 0.02 inches water gauge ~~for the duration of the project, meaning~~ from the time that barrier construction is completed through the time acceptable final clean air monitoring results are obtained.

(c) The negative pressure ventilation units shall exhaust filtered air to the outside of the facility wherever practical.

(d) If exhausted to interior spaces, the exhaust shall be monitored for fiber release by:

(1) Using a continuous, direct reading instrument equipped with a chart recorder, located at the exhaust; or

(2) ~~By~~***Taking*** daily air samples at the exhaust and having them analyzed, as described in 1805.08(e), as expeditiously as practical, but no more than 24 hours after sampling.

Env-A 1805.05 Worker Decontamination Enclosure System.

(a) Each asbestos abatement site shall have a worker decontamination enclosure system.

(b) The worker decontamination enclosure systems shall consist of a clean room, shower room and equipment room, each separated from each other by doorways with at least 2 overlapping sheets.

(c) The shower room shall have running water that is at least 85° F or can be mixed at the tap to achieve 85° F.

(d) Shower waste water shall be collected, and disposed of as asbestos waste or filtered through a 5 micron filter.

(e) Except for the doorways, the worker decontamination enclosure system shall be airtight.

(f) All entrances ***to*** and exits from the work area shall be through the decontamination enclosure system.

(g) ~~Each~~ ***Workers exiting from the work area*** shall thoroughly shower so as to remove all asbestos fibers before entering the clean room.

(h) No asbestos-contaminated individuals or items shall enter the clean room.

Env-A 1805.06 Asbestos Removal Procedures.

(a) All ***RACM*** shall be thoroughly wetted before removal, and ~~shall be~~ maintained wet during and after removal until placed into leak-tight containers for disposal.

(b) All ***RACM*** shall be carefully lowered to the ground or floor, not dropped or thrown.

(c) Structural members not previously stripped of ***RACM*** shall be removed intact or in large sections whenever possible and carefully lowered to the floor.

(d) ***RACM*** that is not associated with structural members shall be removed in small sections and ~~containerized while wet. At no time shall material~~ ***not*** be allowed to accumulate on the floor.

(e) Following removal, the ***owner or*** operator shall perform cleanup procedures using repeated HEPA vacuuming and wet cleaning techniques until no visible residue is observed in the work area. ~~Any vacuum used during the project shall be equipped with HEPA filtration.~~

Env-A 1805.07 Disposal.

(a) ~~An owner or~~ ***Operators*** shall perform the following prior to transport ***of RACM*** for disposal:

(a1) ***RACM*** shall be placed wet into water-tight containers for transport to a landfill. ~~Container integrity shall be maintained.~~ Double impermeable bags of at least 6 mil thickness each, which can be securely sealed may be used ~~for waste;~~

(b2) Large components or structural members removed intact shall be wrapped air-tight in 2 layers of 6 mil sheeting secured with tape ~~for disposal;~~ ***and***

(c3) All containers, including bags, drums, and wrapped components, shall be labeled in accordance with 40 CFR 61.150 and shall be manifested pursuant to 40 CFR 61.150(d).

(db) ~~Disposal of~~ ***RACM shall be disposed of in accordance with the requirements of Env-Wm 2601 in New Hampshire shall occur only at a location licensed to receive asbestos waste by the waste management division of the department of environmental services.***

(c) ***Within 30 days after delivery of RACM to the disposal site, an owner or operator shall provide a copy of the waste shipment record to the department.***

(e) ~~Disposal of ACM outside of New Hampshire shall occur only at a location approved to receive asbestos waste by the designated agency having jurisdiction over solid/special waste disposal at that location.~~

Env-A 1805.08 Clearance Testing.

(a) At the completion of ~~an~~ asbestos abatement projects, but prior to dismantling the containment and decontamination systems, ***the owner or operator shall obtain the services of an independent industrial hygienist to conduct*** clearance air sampling ~~shall be conducted by an independent industrial hygienist.~~

(b) ***Prior to clearance sampling, the independent industrial hygienist shall conduct a thorough visual inspection of the work area for the presence of visible residue.***

(c) ***If visible residue is found by the independent industrial hygienist, the owner or operator shall continue cleaning the work area in accordance with Env-A 1805.06(e).***

(db) ~~The operator~~ ***After determining that no visible residue remains in the work area, the independent industrial hygienist*** shall take sufficient volumes of air for clearance sampling ~~sufficient~~ to accurately determine, to a 95 percent probability, fiber concentrations to 0.01 fibers/cubic centimeter (f/cc) of air.

(~~ee~~) Clearance air sampling shall be done no sooner than the earlier of 6 hours from the time the cleanup procedures of wet wiping and HEPA vacuuming are completed, or such time as all surfaces in the work area have dried. If all work area surfaces are dry at the completion of the cleanup procedures, no waiting period shall be required prior to beginning air sampling.

(~~fd~~) Aggressive sampling, ~~as defined in Env-A 101,~~ shall be used to ensure that any fibers deposited on surfaces within the work area are included in the sample. In areas where all uncontaminated wall, ceiling, and floor surfaces in the work area are not covered with ~~poly~~ sheeting, non-aggressive sampling shall be used.

(~~ge~~) The containment and worker decontamination system shall not be dismantled until clearance air sampling demonstrates the presence of no more than 0.01 fibers of length greater than 5 microns per cubic centimeter of air as determined by ~~NIOSH Phase Contrast Optical Microscopy,~~ ***performed as described in "Asbestos and Other Fibers by PCM: Method 7400, Issue 2", NIOSH Manual of Analytical Methods (NMAM), Fourth Edition, 8/15/94.***

(~~hf~~) The industrial hygienist shall provide copies of the clearance air sampling results to the ~~department division~~ within 30 days of the date of clearance air sampling.

Env-A 1805.09 Specific Requirements for Demolition.

(a) Prior to any demolition, including demolition by intentional burning of a structure or portion of a structure that contains RACM, all RACM shall be removed in accordance with the applicable provisions of this chapter, subject to (b), below.

(b) For clearance air sampling as described in Env-A 1805.08, an acceptable result shall be 0.1 fibers of length greater than 5 microns per cubic centimeter of air as determined by ~~NIOSH Phase Contrast Optical Microscopy,~~ ***performed as described in "Asbestos and Other Fibers by PCM: Method 7400, Issue 2", NIOSH Manual of Analytical Methods (NMAM), Fourth Edition, 8/15/94.***

Env-A 1805.10 Specific Requirements for Enclosure of **RACM**. When an ***owner or*** operator chooses to enclose **RACM**, the ***owner or*** operator shall do the following:

- (a) Notify and pay the fee in accordance with Env-A 1803.~~09(c)(1) or (2), as applicable;~~
- (b) Prior to enclosure, remove loose and hanging **RACM** in accordance with applicable requirements;
- (c) Ensure that enclosures are airtight and of permanent construction, so that the area being enclosed is inaccessible;
- (d) Prior to commencing work, wet all **RACM** that has the potential to be disturbed during the installation of hangers, brackets or other portions of the enclosure; ***and***
- (e) Designate enclosures for **RACM** by signs, labels, color coding, or some other mechanism to warn individuals who may be required to ~~enter or~~ disturb the enclosure.

Env-A 1805.11 Specific Requirements for Encapsulation of **RACM**. When an ***owner or*** operator chooses to encapsulate **RACM**, the ***owner or*** operator ~~must~~ ***shall*** do the following:

- (a) ~~Notification~~ ***Notify*** and ***pay the*** fee ~~payment shall be made~~ in accordance with Env-A 1803.~~09(c)(1) or (2), as applicable;~~

(b) ***Insure that*** ~~Filler material applied to gaps in existing material shall contains no asbestos, shall adheres well to the substrate, and shall provides a suitable base for the encapsulant;~~

(c) Prior to encapsulation, ***remove*** loose and hanging ***RACM*** ~~shall be removed~~ in accordance with applicable provisions of this chapter;

(d) ***Apply*** ~~Encapsulants shall be applied~~ using only low pressure airless spray equipment with nozzle pressure and tip size set according to the manufacturer's recommendations; ***and***

(e) ***Specifically designate*** ~~Encapsulated RACM materials shall be specifically designated~~ by signs, labels, color coding, or some other mechanism to warn individuals who may in the future be required to disturb the material.

Env-A 1805.12 Minor Asbestos Abatement Projects. ~~All~~ ***Any*** persons performing a minor asbestos abatement project shall take the following precautions at a minimum to prevent the release of asbestos fibers into the ambient air:

(a) Barriers including glovebags shall be installed for minor asbestos abatement projects to assure that fibers released during abatement activities are contained within the work area;

(b) All ***RACM*** shall be wetted prior to being disturbed, and shall be kept wet until it is containerized;

(c) HEPA vacuum equipment and wet cleaning techniques shall be used to clean up the work area following abatement until no visible residue is observed;

(d) Prior to disposal, ***RACM*** shall be containerized in accordance with Env-A 1805.07 in air-tight containers and labeled in accordance with 40 CFR 61.150; ***and***

(e) The containerized waste shall be transported ~~to~~ and disposed of ***in accordance with Env-Wm 2601*** ~~at a state licensed asbestos waste disposal facility.~~

PART Env-A 1806 ALTERNATIVE WORK PRACTICES

Env-A 1806.01 Glovebags.

(a) Glovebags may be used only in accordance with this ***part*** ~~chapter~~.

(b) Glovebags shall only be used under such conditions that their use will not threaten any release of fibers at locations outside of the glovebag.

(c) Glovebag procedures shall conform to the requirements of 29 CFR 1926.1101(g)(5)(ii)(B)(I) through (8), August 23, 1996.

~~(d) At least one worker actively employed in the glovebag procedure shall be monitored for breathing zone fiber exposure levels throughout the duration of the procedure.~~

~~(de)~~ Following completion of a glovebag procedure or series of glovebag procedures in a contiguous area, clearance air sampling shall be conducted in accordance with the requirements of Env-A 1805.08.

Env-A 1806.02 Other Alternative Procedures.

(a) The ~~department division~~ shall approve an alternative procedure for control of emissions from an asbestos abatement activity, ~~including exemption from wet removal~~, provided the ***owner or*** operator satisfies (b) through (d), below.

(b) The ***owner or*** operator shall submit to the ~~department division~~ a written request for use of an alternative procedure at least 10 days in advance of the proposed starting date for such abatement. Requests shall include all information identified at Env-A ~~4804.04~~ ***1803.06***, and shall provide such additional information as is necessary to identify the unique aspects of the project which led to the request.

(c) The ~~department division~~ shall approve the alternative if:

- (1) The alternative procedure provides an equivalent or greater measure of control of asbestos fiber release than the procedure required by these rules; or
- (2) Using the alternative creates a lower potential hazard to life, health, and property than using the procedures required by these rules.

(d) No work using an alternative procedure shall begin without the written approval of the ~~department division~~ ***department***.

(e) Any request for a waiver from the wet removal requirement in Env-A 1805.06 or Env-A 1805.12 shall be made in writing to EPA Region I.

PART Env-A 1807 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Env-A 1807.01 Federal Regulation. Under the authority of RSA 141-E:4,II(a)(3), the commissioner hereby adopts as a rule ~~Federal Regulation~~ 40 CFR 61, Subpart M, ***as in effect on July 1, 1992 2004***, except that:

- (a) The definition of "asbestos" is not adopted;
- ~~(b) The definition of "asbestos-containing material cutting" is not adopted;~~
- ~~(be)~~ The definition of "facility" is not adopted;
- ~~(d) The definition of "owner or operator of a demolition or renovation activity" is not adopted;~~
- ~~(e) The definition of "regulated asbestos-containing material" is not adopted; and~~
- ~~(cf)~~ Paragraphs 61.145(c)(1)(i), 61.145(c)(1)(ii), 61.145(c)(1)(iv), 61.145(c)(7), 61.150(a)(5), 61.150(b)(3), 61.151(a) ***with respect to disposal sites not operated after July 1, 1981***, ~~61.154(a)~~, 61.154(c), 61.154(d), and 61.157 are not adopted.